

# **NC Commission of Indian Affairs**

## **ATLANTIC COAST PIPELINE**

### **RESOLUTION**

**No. 2018-001**

Whereas North Carolina is home to the largest population of indigenous peoples east of the Mississippi River, including more than 120,000 members of inherently sovereign American Indian tribes who have occupied this continent since time immemorial; and

Whereas the North Carolina Commission of Indian Affairs was established in 1971 to ensure fair and effective dealings with American Indians, to prevent undue hardships, and to promote the right of American Indians to pursue cultural and religious traditions; and

Whereas the proposed Atlantic Coast Pipeline would cross the traditional territories of American Indian tribes recognized by the State of North Carolina, including landscapes and waterways of spiritual, cultural, historical, environmental, and economic significance to the Coharie, Haliwa-Saponi, Lumbee, and Meherrin Tribes; and

Whereas approximately 30,000 American Indians live within one mile of the Atlantic Coast Pipeline's proposed route and constitute a highly disproportionate concentration of tribal citizens subjected to any adverse impacts related to the pipeline's construction and operation; and

Whereas the Federal Energy Regulatory Commission has not honored requests for consultation by tribal governments, against the guidance of the Advisory Council on Historic Preservation, the United States Environmental Protection Agency, the North Carolina Department of Environmental Quality, and the North Carolina Commission of Indian Affairs; and

Whereas the National Congress of American Indians, speaking on behalf of indigenous nations throughout the United States, has resolved that no federal permits should be issued for the Atlantic Coast Pipeline until meaningful tribal consultation has occurred, resulting in a full and complete environmental impact statement that fully considers the concerns of affected tribes; and

Whereas the United States government supports the United Nations Declaration on the Rights of Indigenous Peoples, which affirms, among other rights, the right of indigenous peoples to give free and informed consent prior to the development or use of their lands and territories; and

Whereas the Federal Energy Regulatory Commission's Final Environmental Impact Statement and Record of Decision do not acknowledge the highly disproportionate impacts of the proposed pipeline on American Indian tribes and were not developed in consultation with tribal governments representing the indigenous peoples and original owners of the territories crossed by the proposed pipeline; and

Whereas the existing Environmental Impact Statement and Record of Decision lack culturally relevant assessments of potential impacts of the proposed pipeline on the indigenous peoples of North Carolina; and

Whereas the Federal Energy Regulatory Commission has asked the pipeline developer to discuss traditional sites with tribal governments at a late stage in the decision-making process and without specifying the purposes of these discussions or how sensitive information might be used by outside parties.

Therefore be it resolved that the North Carolina Commission of Indian Affairs opposes the Federal Energy Regulatory Commission's Record of Decision concerning the Atlantic Coast Pipeline; and

Be it further resolved that the North Carolina Commission of Indian Affairs calls on the Federal Energy Regulatory Commission to rescind its Record of Decision until regulators have accurately and thoroughly considered the impacts of the project on American Indians through meaningful consultation with tribes and through preparation and evaluation of an appropriate Cultural Impact Assessment; and

Be it further resolved that the North Carolina Commission of Indian Affairs calls on Governor Roy Cooper and all North Carolina government agencies to oppose any federal permits and rescind or deny any state permits or certificates until federal and state governments have accurately and thoroughly considered the impacts of the project on American Indians through meaningful consultation with tribes and through preparation and evaluation of an appropriate Cultural Impact Assessment; and

Be it finally resolved that until these actions occur, the North Carolina Commission of Indian Affairs considers all permits and approvals for the Atlantic Coast Pipeline to be incompliant with policy guidance from the United States Advisory Council on Historic Preservation and the United States Environmental Protection Agency, and directly opposed to Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples.

 12 Mar. 2018  
Furrhie Lambert, Chairman

 3/24/18  
Shirley Freeman, Vice Chairperson